

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
DIVISION

DOCKETED

MAY 28 2004

JUDGE CONLON

ROBINSON, **RECEIVED**

MAY 27 2004

CIVIL ACTION

(Name of the plaintiff or plaintiffs)

V.

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

NO. **04C 3678**
(Case number will be supplied by the assignment clerk)

Wolfe, Andrew
Kim, Helen
University of Chicago, The
(Name of the defendant or defendants)

MAGISTRATE JUDGE NOLAN

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is CINQUE ROBINSON of
the county of Cook in the state of Illinois.

3. The defendant is The University of Chicago, who
resides at (street address) 956 E. 58TH ST.
(city) Chicago (county) Cook (state) Illinois (ZIP) 60637
(Defendant's telephone number) () - _____

4) The plaintiff sought employment or was employed by the defendant at

(street address) _____

(city) CHICAGO (county) COOK (state) IL (ZIP code) 60637

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.
 (b) ☐ was hired and is still employed by the defendant.
 (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) November, (day) 13, (year) 2002.

7. (a) The plaintiff [check one box] ☐ has not filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission on or about (month) December (day) _____ (year) 2003.
 (ii) ☒ the Illinois Department of Human Rights on or about (month) January (day) 28 (year) 2003.

(b) If charges were filed with an agency indicated above, a copy of the charge is

attached. ☒ YES ☐ NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

8. (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) February

(day) 27 (year) 2004 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

☐ YES ☒ NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ other (specify): Broke verbal implied contract
agreement; harassed plaintiff concerning
implied contract; harassed plaintiff
concerning job performance and attendance

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Defendants' inconsistent testimonies, IN
WRITING, about my job performance;
Plaintiff's "Good" ranking, which is next
to highest ranking by the company (University),
at time of corrective action for job
performance; the facts are mostly in writing,

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

including
Employee
Handbook.

15. The plaintiff demands that the case be tried by a jury.

☒ YES

☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

(a) ☐ Direct the defendant to hire the plaintiff.

(b) ☒ Direct the defendant to re-employ the plaintiff.

(c) ☐ Direct the defendant to promote the plaintiff.

(d) ☐ Find that the defendant failed to reasonably accommodate the plaintiff's religion.

(e) ☒ Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.

(f) ☒ Direct the defendant to (specify): Write a general letter
of apology to everyone involved in this
situation, from my perspective, who as a
result of my termination from the
University of Chicago, including my family,
my doctor, my church and other supporters,
signed by all U. of C. officials I appealed
to, prior to and after my termination from
the University plus the HR director (plaintiff
sets the original) Relief of all debts

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Cinque Robinson

(Plaintiff's name)

CINQUE ROBINSON

(Plaintiff's street address)

P.O. Box 498114

(City) CHICAGO

(State) IL

(ZIP) 60649

(Plaintiff's telephone number) (773) - 368-7443



Rod R. Blagojevich, Governor
Rocco J. Claps, Acting Director

100 West Randolph Street
James R. Thompson Center, Suite 10-100
Chicago, Illinois 60601
312-814-6200

Date February 21, 2003

ROBINSON CINQUE
P O BOX 496395
CHICAGO, IL 60649

BY CERTIFIED MAIL

Re: Charge No. : 2003CF2311
Respondent: UNIV OF CHGO
Complaint Filing Dates:

01-31-03 - 03-01-04

Dear Complainant:

You have filed a discrimination charge under the Human Rights Act. Enclosed is a copy of your charge. A copy of the charge has been served on the Respondent. KEEP THIS LETTER. HAVE IT WITH YOU IF YOU NEED TO TELEPHONE OR COME TO THE DEPARTMENT (DHR). If there is an "A", "E" or "F" in your charge number, we are enclosing an important notice from the federal Equal Employment Opportunity Commission because your charge has been automatically filed with that agency as well.

When a fact finding conference is scheduled, you will be advised of the date. It is your responsibility to cooperate with the Department's investigation and provide all pertinent information you have concerning the case by the dates requested.

You have the right to file a complaint with the Human Rights Commission (Commission) if the Department of Human Rights (DHR) has not completed your case (either by filing a complaint with the Commission or issuing a notice of dismissal) within 365 days from the date you filed your PERFECTED signed and notarized charge or within any extension of that time to which you and the Respondent have agreed in writing.

Your complaint must be filed within 30 days of the expiration of 365 days or extension (see above paragraph). We have calculated the time above (see Complaint Filing Dates). While we have made this calculation with the best of intentions, errors can occur. The Commission has ruled that it is your responsibility to count the number of days properly. If you file a complaint outside this 30 day period, the Commission may dismiss your complaint.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison St., Suite 2800
Chicago, IL 60661
PH: (312) 353-2713
TDD: (312) 353-2421
ENFORCEMENT FAX: (312) 886-1168
LEGAL FAX: (312) 353-8555

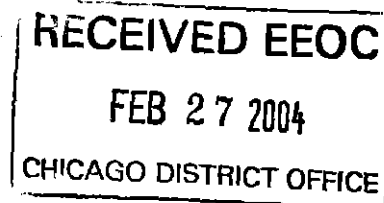
I CINQUE ROBINSON *[Signature]* PICKED UP THE
FOLLOWING

DOCUMENT(S) NOTICE OF RIGHT TO SUE REGARDING:

EEOC CHARGE NUMBER 21BA301254
IDHR CHARGE NUMBER 2003CF2311

CINQUE ROBINSON V. UNIVERSITY OF CHICAGO

2/27/04
DATE



EEOC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Mr. Cinque Robinson
P.O. Box 496395
Chicago, Illinois 60649

From: Equal Employment Opportunity
Commission
Chicago District Office
500 West Madison Street
Suite 2800
Chicago, Illinois 60661-2511



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(e))

Charge No.

EEOC Representative

Telephone No.

21BA301254

Nola Smith, State/Local Coordinator (312) 886-5973

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

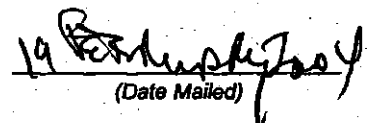
Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



John P. Rowe, District Director



(Date Mailed)

Enclosure(s)

cc: University of Chicago



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office**

500 West Madison St., Suite 2800
Chicago, IL 60661
PH: (312) 353-2713
TDD: (312) 353-2421
ENFORCEMENT FAX: (312) 886-1168
LEGAL FAX: (312) 353-8555

**IMPORTANT NOTICE - PLEASE READ CAREFULLY. KEEP THIS
NOTICE WITH YOUR OTHER RECORDS OF THIS CHARGE
THIS MAY BE THE ONLY NOTIFICATION FROM EEOC**

EEOC NOTICE OF CHARGE FILED

You are filing a charge of employment discrimination with the Illinois Department of Human Rights (IDHR).

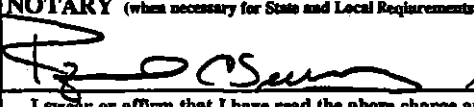
As a result of an agreement between the Illinois Department of Human Rights (IDHR) and the U.S. Equal Employment Opportunity Commission (EEOC), the EEOC will also receive for filing the subject charge of discrimination.

You are encouraged to cooperate with the IDHR in the investigation of your charge. The final findings and orders of that agency may be adopted by the EEOC.

The IDHR will process your charge. Under Section 1601.76 of EEOC'S regulations, you are entitled to request that EEOC review the IDHR'S investigation and findings. To obtain this review, you must request it by writing to this office within 15 days of your receipt of the IDHR'S final findings of your case. If we do not receive such a request for a review, EEOC will likely accept the IDHR'S findings without any review or any other processing by EEOC.

EEOC regulations require that you notify us of any change in address and keep us informed of any prolonged absence from your current address. Your cooperation in this matter is essential.

PLEASE NOTE: BUILDING SECURITY PROCEDURES PRESENTLY IN PLACE DO NOT PERMIT ACCESS TO EEOC WITHOUT AN APPOINTMENT. IF AN APPOINTMENT IS REQUIRED, CALL (312) 353-2713 OR 1-800-669-4000.

| | | | |
|---|--|--|--|
| CHARGE OF DISCRIMINATION | | AGENCY <input checked="" type="checkbox"/> IDHR <input checked="" type="checkbox"/> EEOC | CHARGE NUMBER 2003CF2311 |
| This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form. 03W0122.01 | | | |
| Illinois Department of Human Rights and EEOC | | | |
| NAME (indicate Mr., Ms., Mrs.) CINQUE ROBINSON | | HOME TELEPHONE (include area code) 773-368-7443 | |
| STREET ADDRESS PO BOX 496395 | | CITY, STATE AND ZIP CODE CHICAGO, IL 60649 | DATE OF BIRTH 00/00/00 |
| NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE, LIST BELOW) | | | |
| NAME UNIVERSITY OF CHICAGO | | NUMBER OF EMPLOYEES, MEMBERS 15+ 15+ | TELEPHONE (include area code) 773 702-8905 |
| STREET ADDRESS 956 E 58TH STREET | | CITY, STATE AND ZIP CODE CHICAGO, IL 60637 | COUNTY 031 |
| NAME | | TELEPHONE (include area code) | |
| STREET ADDRESS | | CITY, STATE AND ZIP CODE | |
| STREET ADDRESS | | CITY, STATE AND ZIP CODE | |
| CAUSE OF DISCRIMINATION BASED ON: RACE | | DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) / / 01/04/2003 <input type="checkbox"/> CONTINUING ACTION | |
| THE PARTICULARS ARE (if additional space is needed attach extra sheet(s)) | | | |
| <p>I. A. ISSUE/BASIS UNEQUAL TERMS AND CONDITIONS OF EMPLOYMENT - NOVEMBER 11, 2002/DUE TO RACE, BLACK</p> <p>B. PRIMA FACIE ALLEGATIONS</p> <ol style="list-style-type: none"> 1. My race is black. 2. My performance as research technologist was satisfactory. 3. On November 11, 2002, Dr. Andrew Wolfe, Principal Investigator, subjected me to unequal terms and conditions of employment by changing my work schedule; he no longer allowed me to return to work after my class, and had me work on weekends instead, even though he had previously approved my schedule. <p>Continued...lgy</p> | | | |
| <input checked="" type="checkbox"/> I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. | | NOTARY (when necessary for State and Local Requirements)  1/31/03 | |
| I declare under penalty of perjury that the foregoing is true and correct <div style="text-align: center;"> OFFICIAL SEAL RAQUEL C GUERRA NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES: 03/30/04 Notary Public Seal </div> | | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief SIGNATURE OF COMPLAINANT Rob DATE 1/31/03 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, year) | |

Complainant Name: CINQUE ROBINSON

Charge Number:

Page 2

4. Geary Smith, Robyn Deneau and Sally hall, similarly situated white employees were allowed to work the schedule they had requested.

II. A. ISSUE/BASIS

HARASSMENT - DECEMBER, 2002/DUE TO RACE, BLACK

B. PRIMA FACIE ALLEGATIONS

1. My race is black.
2. My performance as research technologist was satisfactory.
3. In December, 2002, Dr. Andrew Wolfe and Dr. Helen Kim, Principal Investigators, harassed me by yelling at me in front of others on at least three occasions, and by falsely accusing me of not doing my job.
4. Geary Smith, Robyn Deneau and Sally Hall, similarly situated white employees were not yelled at in public, or were they falsely accused of not doing their job.

III. A. ISSUE/BASIS

CORRECTIVE ACTIONS - NOVEMBER 13, 2002 AND DECEMBER 13, 2002/DUE TO RACE, BLACK

B. PRIMA FACIE ALLEGATIONS

1. My race is black.
2. My performance as research technologist was satisfactory.
3. On November 13, 2002 and on December 13, 2002, Dr. Andrew Wolfe, and Dr. Helen Kim, Principal Investigators, issued me corrective actions. The reasons given were unsatisfactory performance and tardiness.
4. My performance was not satisfactory, and I was not excessively tardy.

Continued...lgv

Complainant Name: CINQUE ROBINSON

Charge Number

Page 3

5. Geary Smith, Robyn Deneau and Sally Hall, similarly situated white employees whose performance was not better than mine were not issued corrective actions.

IV. A. ISSUE/BASIS

SUSPENSION - DECEMBER 10, 2002/DUE TO RACE, BLACK

B. PRIMA FACIE ALLEGATIONS

1. My race is black.
2. My performance as research technologist was satisfactory.
3. On December 10, 2002, Dr. Andrew Wolfe, and Dr. Helen Kim, Principal Investigators, suspended me. The reason given was improper behavior.
4. I did not behave improperly. I complained about the way I was falsely accused of not performing my duties in a satisfactory manner, and told Respondent that it was a violation of the law and I could make a citizen arrest if I wanted. I did not threaten to harm anyone in any way.

V. A. ISSUE/BASIS

DISCHARGE - JANUARY 4, 2003/DUE TO RACE, BLACK

B. PRIMA FACIE ALLEGATIONS

1. My race is black.
2. My performance as research technologist was satisfactory.
3. On January 4, 2003, Dr. Andrew Wolfe, and Dr. Helen Kim, Principal Investigators, discharged me. The reasons given were unsatisfactory performance and poor interpersonal skills.
4. Geary Smith, Robyn Deneau and Sally Hall, similarly situated white employees whose performance and/or interpersonal skills were not better than mine, were not discharged.

lgv